



10/ 618 779

PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

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**TRANSMITTAL  
FORM**

Patent Number	7,264,957
Filing Date	November 30, 2007
First Named Inventor	PAUL et al.
Art Unit	1648
Examiner Name	Myron G. HILL
Attorney Docket Number	704627-5004

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Request for Reconsideration of Denial of Request for Certificate of Correction Pursuant to 37 CFR §1.323 <input checked="" type="checkbox"/> Copy of Request for Certificate of Correction <input checked="" type="checkbox"/> Copy of Certificate of Correction Form PTO/SB/44 (2 copies) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Specification (    pages) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Declaration (    ) <input type="checkbox"/> Assignment (    ) <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input checked="" type="checkbox"/> Copy of USPTO Patent Assignment Abstract of Title <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> <div style="text-align: right;"><i>Certificate of Correction</i> DEC 05 2007</div>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	BINGHAM McCUTCHEN LLP		
Signature	<i>Sharon E. Crane</i>		
Printed Name	Sharon E. Crane, Ph.D.		
Date	November 30, 2007	Reg. No.	36,113

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

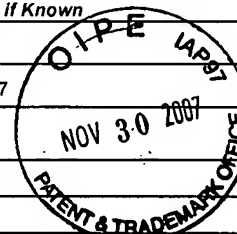
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete If Known	
<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2008</h2>		Patent Number	7,264,957
		Filing Date	November 30, 2007
		First Named Inventor	PAUL et al.
		Examiner Name	1648
		Art Unit	Myron G. HILL
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	704627-5004
<b>TOTAL AMOUNT OF PAYMENT</b> (\$ ) 100.00			

**METHOD OF PAYMENT** (check all that apply)

- ☐ Check  
 ☐ Credit Card  
 ☐ Money Order  
 ☐ None  
 ☐ Other (please identify) : \_\_\_\_\_
- ☒ Deposit Account  
 Deposit Account Number: 50-4047  
 Deposit Account Name: Bingham McCutchen LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below  
 ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s)  
 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description		Small Entity	
Fee (\$)		Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)		50	25
Each independent claim over 3 (including Reissues)		210	105
Multiple dependent claims		370	185
Total Claims	Extra Claims	Fee(\$)	Fee Paid (\$)
_____ -20 or HP= _____	x _____	= _____	
HP = highest number of total claims paid for, if greater than 20.			
Indep. Claims	Extra Claims	Fee(\$)	Fee Paid (\$)
_____ - 3 or HP= _____	x _____	= _____	
HP = highest number of independent claims paid for, if greater than 3.			

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

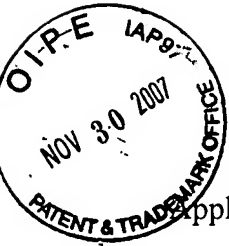
Other (e.g., late filing surcharge): Certificate of Correction
**Fees Paid (\$)**  
 100.00
**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	36,113	Telephone	202-373-6077	
Name (Print/Type)	Sharon E. Crane, Ph.D.	Date	November 30, 2007			

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NEC 5 2007



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Paul et al.

Application No.: 10/618,779

Patent No.: 7,264,957

Filed: July 15, 2003

Issued: September 4, 2007

For: Polynucleic Acids Isolated from a Porcine Reproductive and Respiratory Syndrome Virus (PRRSV) Proteins Encoded by the Polynucleic Acids, Vaccines Based on the Proteins and/or Polynucleic Acids, A Method of Protecting a Pig from PRRSV and a Method of Detecting a PRRSV

## **REQUEST FOR RECONSIDERATION OF DENIAL OF REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 CFR § 1.323**

Attn: Certificate of Correction Branch  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Patentee respectfully requests reconsideration of the denial of the Request for a Certificate of Correction under 37 CFR § 1.322 or § 1.323 submitted on September 13, 2007 in connection with the above-identified patent.

In the Denial of the Request for Certificate of Correction dated November 15, 2007, Mr. Henry Randall and Ms. Cecelia Newman of the Decisions & Certificates of Correction Branch indicated that there "being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322."

However, the Request for a Certificate of Correction submitted on September 13, 2007 (copy submitted herewith) requested that a Certificate of Correction be issued under 37 CFR § 1.322 or § 1.323, the latter of which specifically authorizes correction of mistakes on Applicant's part upon payment of the government fee. In addition, the penultimate paragraph of

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the Request filed on September 13, 2007 specifically authorized the Office to "charge any insufficiency, including any fee required for this Request...to Bingham McCutchen LLP Deposit Account No. 50-4047."

The corrections requested included correcting the assignee name from "Wyeth" to "Wyeth Holdings Corporation" as is indicated in the USPTO Assignment records (copy submitted herewith.) This mistake was Applicants' fault, as the assignee name listed on the Issue Fee Payment form was erroneously designated as "Wyeth."

In addition, the corrections requested included amendment of all of Claims 1-3 to change "ISU-51 (VR 2429)" to "ISU-51 (VR 2428)." This mistake was also Applicant's fault by introduction of the error into the claims in an amendment dated February 10, 2006. However, support for the correct deposit number for ISU-51 can be found at least at Column 18, line 54, which reads:

Most preferably, the polynucleic acid is isolated from the genome of an isolate of the Iowa strain of PRRSV (for example, VR 2385 (3.times. plaque-purified ISU-12), VR 2386 (non-plaque-purified ISU-12), **VR 2428 (ISU-51)**, VR 2429 (ISU-22), VR 2430 (ISU-55), VR 2431 (ISU-3927), ISU-79 and/or ISU-1894. (Emphasis added.)

In a telephone conference between the undersigned and Mr. Randall on November 27, 2007, Mr. Randall suggested that filing the present Request for Reconsideration would be the most expedient way to rectify these errors. In light of the foregoing, reconsideration and issuance of a Certificate of Correction as requested on September 13, 2007 is respectfully requested.

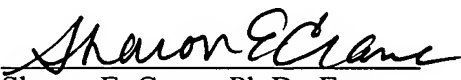
DEC 5 2007

The Commissioner is hereby authorized to charge any insufficiency, including any fee required for this Request, or credit any overpayment associated with this application to Bingham McCutchen LLP Deposit Account No. 50-4047.

Should any U.S. Patent and Trademark Office personnel feel further communication would facilitate this Request, such personnel is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,

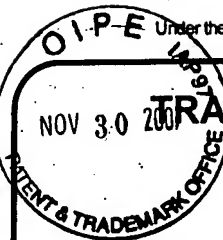
Dated: November 30, 2007

  
Sharon E. Crane, Ph.D., Esq.  
Reg. No. 36,113

Bingham McCutchen LLP  
2020 K Street, NW  
Washington, DC 20006  
(202) 373-6000

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NOV 30 2007



## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Patent Number	7,264,957
Issued Date	September 4, 2007
First Named Inventor	Paul et al.
Art Unit	1648
Examiner Name	Hill, Myron G.
Attorney Docket Number	704627-5004

## ENCLOSURES (check all that apply)

- ☒ Request for Certificate of Correction
- ☒ Certificate of Correction Form PTO/SB/44 (2 copies)
- ☐ Amendment / Reply (pgs).
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Formal Drawing(s) ( sheets)
- ☐ Licensing-related Papers
- ☐ Petition to Correct Inventorship
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

Bingham McCutchen LLP

Signature

Sharon E. Crane

Printed Name

Sharon E. Crane, Ph.D.

Date

September 13, 2007

Reg.  
No.

38,113

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Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Paul et al.

Application No.: 10/618,779

Patent No.: 7,264,957

Filed: July 15, 2003

Issued: September 4, 2007

For: Polynucleic Acids Isolated from a Porcine Reproductive and Respiratory Syndrome Virus (PRRSV) Proteins Encoded by the Polynucleic Acids, Vaccines Based on the Proteins and/or Polynucleic Acids, A Method of Protecting a Pig from PRRSV and a Method of Detecting a PRRSV

**REQUEST FOR CERTIFICATE OF CORRECTION**

Attn: Certificate of Correction Branch  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Patentee respectfully requests the issuance of a Certificate of Correction under 37 CFR § 1.322 or § 1.323 in connection with the above-identified patent. The correction is listed on the attached Form PTO-1050, submitted in duplicate. An explanation follows:

1. On the Title Page, under "Assignees", after "Wyeth" please add -- Holdings Corporation --. This portion of the assignee's name appears to be inadvertently omitted (see Assignment at reel/frame 014065/0251).

2. At Columns 157-158, lines 63-67, please correct Claim 1 as follows to correct the typographical error in the deposit number for ISU-51 to read VR 2428 rather than VR 2429 (see, e.g., Column 18, line 54 for support):

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1. A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an effective amount of a biologically-pure virus selected from the group consisting of ISU-51 (VR 2429 2428), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), wherein said virus is attenuated; and a physiologically-acceptable carrier, wherein said virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.

3. At Column 159, lines 1-10, please correct Claim 2 as follows to correct the typographical error in the deposit number for ISU-51 to read VR 2428 rather than VR 2429 (see, e.g., Column 18, line 54 for support):

2. A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an effective amount of a biologically-pure virus selected from the group consisting of ISU-51 (VR 2429 2428), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), or a virus exhibiting the identifying characteristics of a virus in said group, wherein said virus is attenuated; and a physiologically-acceptable carrier, wherein said virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.

4. At Column 159, lines 11-12 and Column 160, lines 1-8, please correct Claim 3 as

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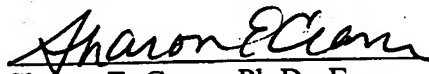
follows to correct the typographical error in the deposit number for ISU-51 to read VR 2428 rather than VR 2429 (see, e.g., Column 18, line 54 for support):

3. A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an inactivated or attenuated virus wherein prior to inactivation or attenuation, said virus is selected from the group consisting of ISU-51 (VR 2429 2428), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), and a physiologically-acceptable carrier, wherein said inactivated or attenuated virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.

The Commissioner is hereby authorized to charge any insufficiency, including any fee required for this Request, or credit any overpayment associated with this application to Bingham McCutchen LLP Deposit Account No. 50-4047.

Should any U.S. Patent and Trademark Office personnel feel further communication would facilitate this Request, such personnel is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,



Sharon E. Crane, Ph.D., Esq.  
Reg. No. 36,113

Dated: September 13, 2007

Bingham McCutchen LLP  
2020 K Street, NW  
Washington, DC 20006  
(202) 373-6000

DEC 5 2007

# UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO : 7,264,957

DATED : September 4, 2007

INVENTOR(S) : Prem S. Paul; Xiang-Jin Meng; Patrick Halbur; Igor Morozov; Melissa A. Lum

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**IN THE TITLE PAGE:**

The Assignees should read:

—Wyeth Holdings Corporation, Madison, NJ (US); Iowa State University Research Foundation, Inc., Ames, IA (US)—

**IN THE CLAIMS**

Columns 157-158, Claim 1 should read:

—A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an effective amount of a biologically-pure virus selected from the group consisting of ISU-51 (VR 2429 2428), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), wherein said virus is attenuated; and a physiologically-acceptable carrier, wherein said virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.—

Column 159, Claim 2 should read:

—A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an effective amount of a biologically-pure virus selected from the group consisting of ISU-51 (VR 2429 2428), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), or a virus exhibiting the identifying characteristics of a virus in said group, wherein said virus is attenuated; and a physiologically-acceptable carrier, wherein said virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.—

Columns 159-160, Claim 3 should read:

—A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an inactivated or attenuated virus wherein prior to inactivation or attenuation, said virus is selected from the group consisting of ISU-51 (VR 2429 2428), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), and a physiologically-acceptable carrier, wherein said inactivated or attenuated virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.—

**MAILING ADDRESS OF SENDER:**

Sharon E. Crane, Esq.  
Bingham McCutchen LLP  
2020 K Street, NW  
Washington, DC 20006-1806

PATENT NO. 7,264,957

No. of additional copies



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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.**

## Total Assignments: 1

Patent #: [7264957](#)

Issue Dt: 09/04/2007

Application #: 10618779

Filing Dt: 07/15/2003

Publication #: [20050175633](#)

Pub Dt: 08/11/2005

Inventors: Prem S. Paul, Xiang-Jin Meng, Patrick Halbur, Igor Morozov, Melissa A. Lum

Title: POLYNUCLEIC ACIDS ISOLATED FROM A PORCINE REPRODUCTIVE AND RESPIRATORY SYNDROME VIRUS (PRRSV),  
PROTEINS ENCODED BY THE POLYNUCLEIC ACIDS, VACCINES BASED ON THE PROTEINS AND/OR POLYNUCLEIC  
ACIDS, A METHOD OF PROTECTING A PIG FROM A PRRSV AND A METHOD OF DETECTING A

## Assignment: 1

Reel/Frame: [015226/0926](#)

Recorded: 10/07/2004

Pages: 2

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: [AMERICAN CYANAMID COMPANY](#)

Exec Dt: 12/31/2002

Assignee: [WYETH HOLDINGS CORPORATION](#)

FIVE GIRALDA FARMS

MADISON, NEW JERSEY 07940

Correspondent: WYETH

KAY E. BRADY

FIVE GIRALDA FARMS

MADISON, NJ 07940

Search Results as of: 11/30/2007 09:14 AM

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Web interface last modified: April 20, 2007 v.2.0.1

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